

ENTERED

May 06, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

HORACIO CANTU VELA,

Plaintiff,

VS.

**MISSION TEXAS, POLICE
DEPARTMENT, DETECTIVE
MARTINEZ and DETECTIVE
GONZALEZ,**

Defendants.

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Civil Case No. 7:23-CV-00366

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the April 19, 2024 Report and Recommendation (“R&R”) prepared by Magistrate Judge J. Scott Hacker. (Dkt. No. 13). Magistrate Judge Hacker made findings and conclusions and recommended that Cantu Vela’s Prisoner’s Civil Rights Complaint, (Dkt. No. 1), be dismissed for failure to state a claim because the claims were not filed within the applicable statute of limitations. (Dkt. No. 13).

The Parties were provided proper notice and the opportunity to object to the R&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts the R&R and adopts it as the opinion of the Court.

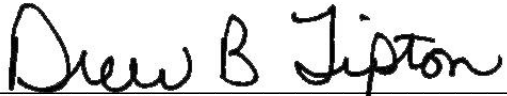
It is therefore ordered that:

- (1) Magistrate Judge Hacker's R&R, (Dkt. No. 13), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and

(2) Cantu Vela's Prisoner's Civil Rights Complaint, (Dkt. No. 1), is **DISMISSED** with prejudice.

It is SO ORDERED.

Signed on May 6, 2024.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE